

**SEXUAL HARASSMENT AT THE
DEPARTMENT OF THE
INTERIOR**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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OVERSIGHT HEARING ON SEXUAL HARASSMENT AT THE DEPARTMENT OF THE INTERIOR

**Wednesday, October 30, 2019
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 1324, Longworth House Office Building, Hon. TJ Cox [Chairman of the Subcommittee] presiding.

Present: Representatives Cox, Dingell, San Nicolas, and Gohmert.

Mrs. DINGELL [presiding]. Good morning. The Subcommittee on Oversight and Investigations will now come to order.

The Subcommittee on Oversight and Investigations is meeting today to hear testimony on Sexual Harassment at the Department of the Interior.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chair and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Clerk by 5 p.m. today.

Hearing no objection, so ordered.

STATEMENT OF THE HON. DEBBIE DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mrs. DINGELL. The Department of the Interior has a sexual harassment problem, and the problem isn't new. For decades women and men in our national parks, refuges, and other public lands and offices have not been given the protections they need to do their work free from harm. As we sit here, mere weeks after the second anniversary of #MeToo, addressing this problem is more critical than ever.

In 2016, the Inspector General released a report that documented approximately 15 years of systemic sexual harassment and misconduct in the Grand Canyon National Park. After that report was released, it was clear that this issue could no longer fall to the wayside. Interior needed to take major action.

The Obama administration sent an anonymous survey out to all of its approximately 70,000 employees, an unprecedented effort in the Federal Government. And I do want to point out that this is 15 years. It is Republican and Democratic administrations.

The survey was designed to get an idea of whether this was a problem limited to Grand Canyon and the Park Service, or whether it was more widespread.

The findings were alarming: over one-third of all Interior employees had been harassed in some way in the past year, and nearly 1 out of every 10 had been sexually harassed, including both men and women.

These numbers are shocking on their own, but the survey dug even deeper. It found that three-quarters of employees who had been harassed chose not to file a complaint or report. They gave several reasons, but one of the top reasons was that they didn't think anything would be done about it. And this is simply unacceptable.

Both men and women deserve a workplace in which they feel safe, both physically and psychologically, and in which they believe something will be done if they are put in harm's way.

Fortunately, this Administration has taken action, for which you deserve credit. Since the survey was released, Interior has revamped its policy, instituted new training, and required each bureau to draft a regularly updated action plan, among other efforts. And these were all steps in the right direction.

But this summer, the Inspector General released a report which highlights ways in which Interior can further strengthen those efforts. We look forward to hearing more about those needed changes, and how Interior will dedicate the resources necessary to make those changes.

But we also need to have a frank conversation today. While the right policies, procedures, and training are obviously important, they are only one piece of the puzzle. As we have heard from experts over and over again, addressing sexual harassment begins, first and foremost, with effective leadership.

Leadership must not only say they are committed; they must show that they are. They need to cultivate a culture that promotes diversity and inclusivity across all levels of the workplace, but especially in top leadership and management. They need to engage those who have been affected by harassment in helping to craft the organization's solutions to the problem.

And perhaps most importantly, leadership needs to earn the trust of its workforce. Employees need to believe that their leaders will support them, stand up for them, and hold wrongdoers accountable. And, unfortunately, I fear that is not the case at Interior.

This Administration has been marked by secrecy and distrust. We have seen time and time again, both in the press and in the testimony before this Committee, accounts of employees being manipulated, intimidated, and ignored.

And I am going to say, as a woman herself, who was harassed during her 30-year career at a large institution, because I didn't think leadership did care or would step up, I thought I would pay a price if I opened my mouth, and that is what we are trying to change across the country. And Interior has that responsibility.

Most recently, the Bureau of Land Management abruptly announced it was moving its headquarters out West. Reports of a closed-door meeting with affected employees shows that not one of the employees supported this move. One employee even said, "morale is as low as I have ever seen."

At a Full Committee hearing this summer, a whistleblower from Interior testified that this Administration has, “sidelined scientists and experts, flattened the morale of career staff, and, by all accounts, is bent on hollowing out the agency.”

A mass reassignment of senior employees in 2017 created a culture of fear for stepping out of line.

None of this sounds like leadership that is committed to earning the trust of its workforce. And if workers do not trust their leaders, how do they feel that they are valued?

How can we expect them to trust that their leaders will protect them in their most vulnerable moments?

Making public statements is easy, but making real change in addressing an issue is challenging. Such a difficult issue is sexual harassment. It takes trust, engagement, and real leadership. We hope Interior’s leadership will take that message to heart today.

With that, I now recognize my dear colleague, Ranking Member Gohmert, for his opening statement.

**STATEMENT OF THE HON. LOUIE GOHMERT, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. GOHMERT. And I thank my dear friend, Chair Dingell. I thank the witnesses for being here today.

This is, obviously, a very important topic, and it certainly is to you, or you wouldn’t have taken the steps that you did, and you wouldn’t be here today. So, thank you for that.

I know we all agree everyone deserves a place they can work that is harassment free. Sexual harassment shouldn’t be tolerated. And we all want the Department of the Interior best equipped to address allegations and address any misconduct.

For decades, workplace harassment at the Department was permitted to fester far too long. In the past, when harassment was reported, investigations into those allegations were mismanaged and poorly addressed. And, as my friend, the Chair, has indicated, this has gone across Republican and Democratic administrations without being properly addressed.

I am encouraged that under the Trump administration, the Department has finally taken concrete steps to implement changes to address these long-standing issues. Their efforts are making a positive difference for our Federal employees.

To begin, the Department implemented its first comprehensive policy on how to prevent and eliminate harassing conduct. This policy was developed to meet the criteria to be a model anti-harassment program laid out by the Equal Employment Opportunity Commission.

In addition to implementing new policies, each of the Department’s bureaus developed action plans on how to ensure a harassment-free workplace. Each of these plans is uniquely tailored to the needs of the individual bureau.

But the Department did not just update its policies. Under Secretary David Bernhardt and Assistant Secretary Susan Combs’ leadership, the Department took action to ensure employees understand the new policies, and know how to report workplace harassment if they experience it or witness it.

And as the Chair mentioned, it is not enough to have those policies. All employees must feel that they can report real harassment, and something will be done, it won't just subject them to further harassment.

So, anyway, individuals are finally being held accountable for their inappropriate behavior. In December 2017, the Department, under the Trump administration, announced the termination of four senior department officials due to workplace misconduct, including harassment. The following year more than 1,500 employees were fired, suspended, or reprimanded for harassment or misconduct.

What we have now is a Department where you can believe it when they say harassment is not tolerated. Every employee deserves to work in an environment that is harassment free, and the Department has shown a steadfast commitment now to continuing to address this issue that plagued it for so long in the past.

I am especially glad we are joined today by Assistant Secretary Susan Combs, a Texan, and also a friend, who did a great job while she was working in the state government, and who is now leading the efforts to combat harassment and transform workplace cultures across the Department. I look forward to hearing more about her plans to utilize the newly established Workplace Culture Transformation Advisory Council to achieve these goals.

I know Assistant Secretary Combs, and I know that she is eminently qualified to lead these efforts. Her guidance is an invaluable asset to the Department. The changes that have already occurred under Secretary Combs' leadership are having a real impact.

We can see the positive results of the Department's work. After the Department's policy changes, the percentage of employees who have experienced some form of inappropriate behavior in the previous year dropped from 35 percent in 2017 to 18 percent in 2019. That is, obviously, still too high, but at least it is moving in the right direction.

Work remains to be done, but we are pleased with the work that you have done, we are pleased you are here, and we are pleased the Department's commitment to a harassment-free workplace has already resulted in improvements, and future efforts will continue.

We look forward to hearing what you have to say here today. Thank you.

Mrs. DINGELL. Thank you, my friend. I don't see Mr. Bishop, so I am going to introduce our witnesses.

Mr. Mark Greenblatt is the Inspector General in the U.S. Department of the Interior, and has been doing good work on this.

Ms. Susan Combs is the Senior Advisor exercising the authority of the Assistant Secretary for Policy, Management, and Budget at the U.S. Department of the Interior and, as we have learned, is from Texas.

And Ms. Chai Feldblum is the Partner and Director of Workplace Culture Consulting at Morgan, Lewis & Bockius LLP.

Under our Committee Rules, oral statements are limited to 5 minutes, but your entire statement will appear in the hearing record.

The lights in front of you will turn yellow when there is 1 minute left, and then red when time has expired.

After the witnesses have testified, Members will be given the opportunity to ask you questions.

With that, the Chair now recognizes Mr. Mark Greenblatt.

**STATEMENT OF MARK GREENBLATT, INSPECTOR GENERAL,
OFFICE OF THE INSPECTOR GENERAL, U.S. DEPARTMENT
OF THE INTERIOR, WASHINGTON, DC**

Mr. GREENBLATT. I thank the Chair and the Ranking Member and Committee members for the opportunity to appear before you today.

I stated throughout my confirmation process that helping to eradicate the Department's ongoing sexual harassment problem would be a priority for me as Inspector General. So, it is fitting that my first testimony as the IG is about this important challenge, and the role the IG can play in improving the culture at the Department.

The IG's Office has taken a leadership role in identifying these problems over the last 4 years. In 2016, the OIG published a watershed investigative report about widespread sexual harassment at the Grand Canyon. The investigation revealed that Park Service personnel had engaged in a long-term pattern of sexual harassment, and fostered a hostile work environment. In all, we identified 35 individuals who endured or witnessed mistreatment.

The report also highlighted a disturbing absence of strong leadership, which allowed the harassment to continue unchecked for 15 years.

The Grand Canyon report was a wake-up call, and that investigation led to others. The IG's Office has opened 22 sexual harassment investigations since that case in 2016. We have uncovered sexual misconduct in parks as large as Yellowstone and as small as Canaveral National Seashore, in a remote BIA office and at the DOI headquarters, in locations stretching across the country, from Georgia to California, and involving behavior ranging from disturbing, inappropriate touching, to outright criminal sexual assault.

The Department, to its credit, has taken disciplinary action against 35 subjects as a result of OIG investigations and agency referrals.

The Department also took steps to change the culture. Just months after we published our Grand Canyon investigation, Secretary Jewell created the Employment and Labor Law Unit, and released a new workplace conduct policy. DOI later conducted a comprehensive work environment study, and Secretaries Zinke and Bernhardt took a number of actions to further address the problem, including issuing an anti-harassment policy.

We have recently released our evaluation of the DOI's efforts to address sexual harassment. We found that the DOI has taken meaningful steps to address sexual harassment by investigating complaints, issuing policies, requiring training, conducting surveys, establishing an advisory hotline, and developing a tracking system.

We also found, however, that there is more work to be done. With that in mind, we made 11 recommendations in this evaluation; the Department has resolved and implemented 3 of them, and has implementation plans for the remaining 8.

We are encouraged by their response. These improvements should foster a safer working environment for all DOI employees.

As the Department continues its anti-harassment efforts, the OIG staff and I will remain committed to this issue. We currently have eight active cases.

In fact, just last night, one of my special agents called from an Oregon courthouse, reporting that a Fish and Wildlife supervisor had pled guilty to five counts, including sex abuse, harassment, and felony coercion. Due to our investigation, that offender is now in jail. And when he is released on probation, he will be a registered sex offender, banned from any contact with the victim.

In addition to our ongoing investigative work, next month we will release the Top Management Challenges Report, which will include a section on workplace, culture, and human capital that highlights how the negative effects of harassment are widespread and sap productivity and trust out of an organization.

The OIG is exploring additional ways to add value in the future, and we are considering new inspections and evaluations as we create our 2020 audit plan.

In closing, I commit to you that the OIG, under my watch, will continue to aid the Department in its efforts to foster a safe work environment, free of sexual harassment and assault.

And to all the survivors and witnesses listening today, please come forward, either to the OIG hotline or to the departmental avenues available to you. Our investigators take this work to heart, and understand that this is a very personal issue.

In fact, the supervisor of a survivor recently wrote to us, "I cannot say enough positive things about the OIG agents or the way they interacted with both myself and the supervisor. Their professionalism, tact, and responsiveness were eclipsed only by the gentle compassion and care with which they interacted with the survivor." We strive to have that impact on every case.

Thank you for your time, and I look forward to answering any questions you may have.

[The prepared statement of Mr. Greenblatt follows:]

PREPARED STATEMENT OF MARK LEE GREENBLATT, INSPECTOR GENERAL,
DEPARTMENT OF THE INTERIOR

Chairman Cox, Ranking Member Gohmert, and Committee members, thank you for this opportunity to appear before you today. I stated throughout my confirmation process that helping to eradicate the Department of the Interior's ongoing sexual harassment problem would be a priority for me. Therefore, it is fitting that my first testimony as Inspector General is about this important challenge, and the role the Office of Inspector General (OIG) can play in improving the culture at the Department of the Interior.

The OIG has taken a leadership role in identifying these problems over the last 4 years. In 2016, the OIG published an investigative report about widespread sexual misconduct at the Grand Canyon. That investigation sounded the alarm: there was a deep problem here. The investigation revealed that Park Service personnel had engaged in a long-term pattern of sexual harassment and fostered a hostile work environment in the Grand Canyon River District. In all, we identified almost three dozen individuals who endured or observed mistreatment ranging from verbal harassment to sexual assault at the Grand Canyon. Our investigation also highlighted a disturbing absence of strong leadership, which allowed the harassment to continue unchecked for 15 years.

The Grand Canyon investigation led to others. In total, the OIG has opened 22 sexual harassment investigations since 2016. We have uncovered sexual misconduct in parks as large as Yellowstone, and as small as Canaveral National Seashore; in

a remote Bureau of Indian Affairs office and at the DOI headquarters; in locations stretching across the country from Georgia to Oregon; and involving behavior ranging from disturbing, inappropriate touching to outright sexual assault.

The Department—to its credit—has taken disciplinary action against 35 subjects as a result of OIG investigations and agency referrals. Sixteen of those 35 employees are no longer in Government service because they were removed, they resigned, or they retired while under investigation. The Department also took steps to change the culture. Just months after we published our Grand Canyon investigation, Secretary Jewell created an Employment and Labor Law Unit and released a new anti-harassment policy. DOI later conducted a Work Environment Survey, and Secretary Bernhardt released a 2017 supplemental policy establishing DOI training requirements.

As part of the OIG’s ongoing mission to monitor the Department’s progress, we recently released our evaluation of the DOI’s efforts to address sexual harassment. We found that the DOI has taken meaningful steps to address sexual harassment by investigating complaints, issuing policies, requiring training, conducting surveys, establishing an advisory hotline, as well as developing a tracking system. All these measures aim to provide a safe work environment, encourage victims to report incidents, and improve management’s preparation to address and investigate allegations brought to their attention.

We also found, however, there is more work to do. As we state in our evaluation, the DOI has an opportunity to improve sexual harassment investigations that it conducts or contracts:

1. Reports of investigation from the Department’s investigators or their contractors do not always contain the necessary information for decision makers and advisors to make comprehensive decisions about potential corrective action. As a result, no action is taken, victims never see the resolution they deserve, and those who should be held accountable continue on without repercussions.
2. The DOI and its bureaus are not consistently tracking the timeliness of investigations.
3. Investigation costs may prevent employees from reporting an incident. The cost impact of an unforeseen, unbudgeted investigation on smaller offices can impact their ability to fund other activities such as training, travel, and awards.

We made 11 recommendations in this evaluation, the Department has resolved and implemented 3 of them, and has implementation plans for the remaining 8.¹ By making these improvements, the DOI could foster a safer working environment that seeks to reduce incidents of sexual harassment and improperly handled sexual harassment complaints.

As the Department continues its anti-harassment efforts, the OIG will remain committed to this issue. We currently have eight active cases and we will report on those upon completion. In addition, next month we will release our *Top Management Challenges* report, which will include a “Workplace Culture and Human Capital” section that highlights how the negative effects of harassment are widespread and sap productivity and trust out of an organization.

The OIG is exploring additional ways to add value in the future. For instance, the OIG is considering:

- Verifying whether the Department completed and tracked the mandatory training of supervisors—especially in its remote locations.
- Conducting bureau-level inspections or evaluations to identify whether and to what extent bureaus have implemented their formal action plans to address and prevent sexual harassment. This could include focusing on specific offices/locations that are at risk under EEOC-identified risk factors for harassment.
- Reviewing the misconduct tracking system (I-MART) to determine its effectiveness regarding what data is collected, its reporting features, the quality of the data, and whether it is consistently being used (as required).
- Tracking the continued expansion of the Employment and Labor Law Unit and its dedicated specialists.

¹ In addition to the 11 recommendations, we believe that the DOI should consider (1) including strategies to specifically address the U.S. Equal Employment Opportunity Commission’s organizational risk factors in bureau action plans; and (2) formalizing the sharing of information about prior or pending allegations between bureaus.

I commit to you that the OIG, under my watch, will continue to aid the Department in its efforts to foster a safe work environment free of sexual harassment and assault. And to all survivors and witnesses who may be listening today, please come forward through the OIG hotline or the departmental avenues available to you. OIG investigators take this work to heart and understand that this is a very personal issue. In fact, the supervisor of a survivor in one of our cases wrote:

I cannot say enough positive things about [OIG agents] or the way they interacted with both myself and [the survivor]. Their professionalism, tact, and responsiveness were eclipsed only by the gentle compassion and care with which they interacted with [the survivor].

We strive to have that impact on every case.

Thank you for your time, and I look forward to answering any questions you may have.

QUESTIONS SUBMITTED FOR THE RECORD TO MARK GREENBLATT, INSPECTOR
GENERAL, U.S. DEPARTMENT OF THE INTERIOR

Questions Submitted by Rep Cox

Question 1. Of the 12 organizational risk factors laid out in the Task Force report, which are most apparent—and most urgently in need of redress—at DOI?

Answer. The scope of our evaluation's fieldwork did not include a DOI-wide assessment of the 12 organizational risk factors. Past investigative findings and anecdotal evidence collected during our evaluation's fieldwork, however, suggest that the following organizational risk factors, as defined in the EEOC report, have contributed to cases of sexual harassment:

- Geographically isolated workplaces
- Decentralized workplaces
- Workplaces with significant power disparities, specifically, gendered power disparities
- Workplaces where some employees do not conform to workplace norms
- Workplaces that tolerate or encourage alcohol consumption

Mrs. DINGELL. Thank you, Mr. Greenblatt. I am going to call on Ms. Combs next.

But I am going to apologize that you have been confirmed as Assistant Secretary. I just kind of got put in the chair here, so congratulations. And you are up next.

**STATEMENT OF SUSAN COMBS, ASSISTANT SECRETARY FOR
POLICY, MANAGEMENT, AND BUDGET, U.S. DEPARTMENT OF
THE INTERIOR, WASHINGTON, DC**

Ms. COMBS. Thank you, Chairman Dingell and Ranking Member Gohmert. Good morning, and thank you for holding this hearing on this important topic, and inviting me to update you on the progress that the Department has made and continues to make on the issue of sexual harassment.

The Department is committed to preventing and eliminating all forms of harassing conduct, and to transforming our workplace culture so our employees feel safe, respected, and valued.

In early 2017, the Department administered a work environment survey to all employees completed in March. The survey was the first of its scope done across the Department, and its goal was to assess workplace conditions that Interior employees experience, including the prevalence and context of all forms of harassment.

The results of that survey were sobering. Of those employees who responded to the survey, 35 percent reported experiencing some form of harassment and/or assault-related behaviors in the 12 months preceding the survey.

Several facts stood out. Over 20 percent of employees reported experiencing harassment based on their age; 6.5 percent of employees reported experiencing gender-based harassment; another 8 percent reported experiencing sexual harassment.

What was especially troubling was that 60.2 percent of employees who reported that they had suffered from harassment indicated that these events occurred more than once, and oftentimes the victim had to continue working with the harassing individual.

Furthermore, many stated that they felt making a complaint did not produce any real result. Either no action was taken, or they were encouraged to drop the issue.

The Secretary and the Department leadership took these results very seriously, and instituted a number of actions immediately.

The first was the Secretary's anti-harassment policy statement. Then-Deputy Secretary Bernhardt directed bureau heads to develop formal action plans to address their bureau's survey results, which required quarterly reports. That same month the Department issued its first comprehensive policy on the prevention and elimination of harassing conduct to provide a work environment free from harassing conduct, and to hold employees accountable at the earliest possible stage.

In February 2019, we created the Workplace Culture Transformation Advisory Council, and it is charged with identifying specific Department-wide programming.

In April 2019, the Department launched an enhanced agency-wide misconduct case tracking system, which allows Interior to identify trends, and to ensure that managers take action when harassing conduct has occurred.

In May 2019, six Department-specific harassment-related questions were included for the first time in the Federal Employee Viewpoint Survey, FEVS. I am pleased to report that the recent FEVS results for 2019 showed that we are unquestionably making progress. For example, the percentage of Interior employees who reported experiencing some form of harassing conduct within the preceding 12 months was reduced from 35 percent in 2017, as reported in the Work Environment Survey, to 18 percent in 2019.

In addition, the number of employees who know where to report harassing conduct increased from 62.3 percent to 94 percent in 2019. Moreover, more than 80 percent of supervisors and managers believe they have the tools needed to promptly address allegations of harassing conduct, and to discipline individuals who engage in it.

While this is all impressive, the July 2019 OIG evaluation report of the Department's efforts to address sexual harassment highlights that there is still work to be done.

Let me first acknowledge and compliment the extensive work that the OIG undertook in this evaluation.

In its evaluation, the OIG identified three areas for DOI to focus its efforts: improve sexual harassment investigations in terms of quality, cost, and timeliness; use a misconduct tracking system to

monitor trends and track costs; and better coordinate anti-harassment training. Within these areas the OIG made 11 recommendations, and by the date of the final report, they had already resolved 3 of those.

The Department has developed an action plan for the completion of the remaining recommendations. For example, we are now 8 months in advance on scheduling training in response to recommendation No. 5 regarding investigations. We have already launched new data fields in our misconduct tracking system that will provide greater transparency.

In November, next week, we will start delivering more than 70 sessions of bystander intervention, inter-generational training in strategic locations across the country. They will be 4 hours in duration, and be presented to in-person audiences.

We continue to communicate with and train leaders at every level, committed to preventing and eliminating harassing conduct. This afternoon, in fact, I will be leaving here and going to address about 1,000 employees at the U.S. Geological Survey on actions to improve and transform the workplace culture.

As an agency, we have made significant progress, but there is more to be done, and we look forward to continuing our positive progress.

Thank you, and I look forward to answering any questions.

[The prepared statement of Ms. Combs follows:]

PREPARED STATEMENT OF SUSAN COMBS, ASSISTANT SECRETARY FOR POLICY,
MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE INTERIOR

Chairman Cox, Ranking Member Gohmert, good morning, and thank you for holding this hearing on this important topic and inviting me to update you on the progress that the Department has made and continues to make on the issue of sexual harassment. The Department is committed to preventing and eliminating all forms of harassing conduct and to transforming our workplace culture so our employees feel safe, respected, and valued.

In early 2017, the Department administered a Work Environment Survey to all employees, completed in March. The survey was the first of its scope done across the Department and its goal was to assess workplace conditions that Interior employees experience, including the prevalence and context of all forms of harassment. The results of that survey were sobering. Of those employees who responded to the survey, 35 percent reported experiencing some form of harassment and/or assault related behaviors in the 12 months preceding the survey. Several facts stood out: over 20 percent of employees reported experiencing harassment based on their age; 16.5 percent of employees reported experiencing gender-based harassment; and another 8 percent reported experiencing sexual harassment. What was especially troubling was that 60.2 percent of employees who reported that they had suffered from harassment indicated that these events occurred more than once, and often-times the victim had to continue working with the harassing individual. Furthermore, many stated that they felt that making a complaint did not produce any real result—either no action was taken, or they were encouraged to drop the issue. The Secretary and the Department leadership team took these results very seriously and instituted a number of actions immediately. The first was the Secretary's Anti-Harassment Policy Statement.

Then Deputy Secretary Bernhardt directed Bureau Heads to develop formal action plans to address their bureau survey results, with required quarterly reports. That same month, the Department issued its first comprehensive policy on the Prevention and Elimination of Harassing Conduct to provide a work environment free from harassing conduct and to hold employees accountable at the earliest possible stage.

In February 2019, we created the Workplace Culture Transformation Advisory Council, and it is charged with identifying specific Department-wide programming.

In April 2019, the Department launched an enhanced agency-wide misconduct case tracking system which allows Interior to identify trends and to ensure that managers take action when harassing conduct has occurred.

In May 2019, six Department-specific harassment-related questions were included for the first time in the Federal Employee Viewpoint Survey (FEVS). I am pleased to report that the recent FEVS results for 2019 show that we are unquestionably making progress. For example, the percentage of Interior employees who reported experiencing some form of harassing conduct within the preceding 12 months was reduced from 35 percent in 2017 (as reported in the Work Environment Survey) to 18 percent in 2019. In addition, the number of employees who know where to report harassing conduct increased from 62.3 percent in 2017 to 94 percent in 2019. Moreover, more than 80 percent of supervisors and managers believe they have the tools needed to promptly address allegations of harassing conduct and to discipline individuals who engage in misconduct.

While this is all impressive, the July 2019 OIG Evaluation Report of the Department's efforts to address sexual harassment highlights that there is still work to be done. Let me first acknowledge and compliment the extensive work that the OIG undertook in this evaluation. In its evaluation, the OIG identified three areas for DOI to focus its efforts: improve sexual harassment investigations in terms of quality, cost, and timeliness; use misconduct tracking system to monitor trends and track costs; and better coordinate anti-harassment training. Within these areas, the OIG made 11 recommendations; and by the date of publication of the final report, the Department had already resolved and fully implemented three of those recommendations. The Department has developed an action plan for the completion of the remaining recommendations in advance of the original timeline given. For example, we are implementing Recommendation #11 regarding the coordination of anti-harassment training opportunities 8 months ahead of schedule. In response to Recommendation #5 regarding investigations of sexual harassment claims, we have already launched new data fields in our misconduct tracking system that will provide greater transparency regarding the timeliness of investigations which permit Bureaus to remedy any investigative delays.

In December, we will start delivering more than 70 sessions of bystander intervention and intergenerational training in strategic locations across the country. Each session will be 4 hours in duration and be presented to in-person audiences. We continue to communicate with and train leaders and employees everywhere and at every level of the organization about the Department's commitment to preventing and eliminating harassing conduct and cultivating work environments that are respectful, collaborative, fair, and honest. As recently as August 2019, we delivered a briefing to senior leaders within the Bureau of Indian Affairs in Albuquerque, New Mexico. Following today's hearing, I will be taking part in a town hall meeting in Reston, VA with approximately 1,000 employees from the U.S. Geological Survey on DOI actions to improve and transform the workplace culture.

Secretary Bernhardt and the Department of the Interior are fully committed to building upon the critical activities accomplished in the last 2 years to fundamentally transform the way that employees interact with each other in the Department. As an agency, we have made significant progress in acknowledging and understanding and eliminating harassing conduct, holding employees and their managers accountable, and setting clear, enforceable standards of behavior.

Our efforts are both widespread and determined to change the culture here at the Department. There is more to be done, and we look forward to continuing our positive progress. Thank you and I am happy to answer any questions.

QUESTIONS SUBMITTED FOR THE RECORD TO SUSAN COMBS, ASSISTANT SECRETARY
FOR POLICY, MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE INTERIOR

Questions Submitted by Rep. Cox

Question 1. Of the 12 organizational risk factors laid out in the Task Force report, which are most apparent—and most urgently in need of redress—at DOI?

Answer. As a large organization, the Department faces many of the challenges and confronts many of the risk factors that were discussed at the hearing and in the Task Force report, including decentralized workplaces; significant grade differences within units; and, due to the widespread locations of our offices, cultural and language differences in the workplace. At the Department we are addressing the cultural problem from the bottom up and the top down, through civil training for our employees; creating and improving avenues for communication; and increasing diversity in the workforce.

Question 2. The final report of the Workplace Environment Survey was dated September 29, 2017. The NPS results were released on October 13. But the rest of the DOI results came out 2 months later, on December 14, in the media shadow of the upcoming holiday season. Why were they released separately and why was there a 2-month delay?

Answer. After several damning Office of the Inspector General reports that confirmed the prevalence of sexual harassment at the Grand Canyon National Park and other National Park Service worksites, the Department of the Interior made it a priority to analyze and release the National Park Service Work Environment Survey (WES) results prior to the release of the Department-wide results. Thereafter, the Department-wide WES results were analyzed and posted December 14, 2017 on a new external website that included resources on harassment, discrimination, and retaliation and bureau leaders were tasked with developing formal action plans within 45 days to specify the actions they plan to take to address their organizational WES results, the schedule for accomplishing those actions, and a description of how they will assess the success of those actions.

Question 3. How does a pervasive sexual harassment problem affect DOI's ability to achieve its mission?

Answer. The Department is committed to preventing and eliminating all forms of harassing conduct and to transforming our workplace culture so our employees feel safe, respected, and valued. The EEOC Task Force report generally discussed the costs of such harassment—direct and indirect—on the workforce, including costs associated with investigations, legal engagement, and potential damage awards, as well as less direct costs, such as reduced employee morale and productivity. Departmental employees have sent a clear message that respect, teamwork, honesty, and fairness are values that they expect to experience in their workplace. We have made significant progress in acknowledging, understanding, and eliminating harassing conduct, holding employees and their managers accountable, and setting clear, enforceable standards of behavior, though we recognize there is more to be done.

Question 4. Many experts suggest organizations should “democratize” efforts to address harassment. In other words, employees from all levels of the workplace should have input in crafting ways to address harassment. This should also include victims and survivors, if they so choose. Have there been efforts to engage field-level employees in anti-harassment efforts? Have there been efforts to engage victims in anti-harassment efforts? For example, are field level employees being included on the Workforce Culture Transformation Advisory Council?

Answer. Every bureau and many offices within the Office of the Secretary have a career, field-level, anti-harassment point of contact who attends monthly meetings to learn about progress the Department is making and share best practices at the field level. These employees also transmit information from these meetings to employees in their bureaus. Employees, including victims of harassment, also have the opportunity to become involved in various ways to improve the workplace culture, such as joining an employee resource group, becoming an employee Ambassador, or a diversity change agent. In recognition that employees may not want to be or feel singled out, or that they might fear retaliation or retribution, we do not specifically target victims to join different groups. In addition to the various methods for engagement, DOI has multiple resources available for employees who have experienced harassment such as the Employee Assistance Program, the Victim Assistance Program, and a cadre of dedicated ombuds professionals for each of the bureaus. While the Workplace Culture Transformation Advisory Council comprises the highest level of bureau and Departmental leadership so that it can direct policies and allocate resources, many field level employees opt to join one of the Department's many Employee Resource Groups where they can network and collaborate with like-minded employees who share similar backgrounds or interests. We have also launched an extensive Bystander training program so that field level employees feel empowered to intervene when they witness inappropriate behavior.

Questions Submitted by Rep. McEachin

Question 1. Please provide the following:

- 1a. Current roster of the Workforce Culture Transformation Advisory Council.*
- 1b. Website for the Workforce Culture Transformation Advisory Council.*
- 1c. The wording of the six questions about harassment that were included in the 2019 Federal Employee Viewpoint Survey.*

- 1d. *The results for the six questions about harassment that were included in the 2019 Federal Employee Viewpoint Survey.*
- 1e. *The wording of the four-question survey to which you referred during the hearing that was administered to all DOI employees in April 2019.*
- 1f. *The results of the four-question survey to which you referred during the hearing that was administered to all DOI employees in April 2019.*

Answer. The Advisory Council was created in February 2019 and is chaired by the Assistant Secretary for Policy, Management and Budget. It comprises the Assistant Secretaries, Deputy Assistant Secretaries, and bureau directors (question a). More specific information about the Council and its activities can be found at the Advisory Council's website (question b): <https://edit.doi.gov/employees/culturetransformation/advisory-council>.

The requested information (questions c-f) about the employee surveys can be found here: <https://edit.doi.gov/sites/doi.gov/files/uploads/wpctac-index-handouts-19august-complete.pdf>.

Question 2. During the hearing, Ms. Chai Feldblum acknowledged that while the Federal Employee Viewpoint Survey is a good way to annually survey employees about harassment, re-administering the Workplace Environment Survey and conducting focus groups and/or interviews would be ideal. She also strongly cautioned against comparing the results from the two different surveys and said that you must conduct the Workplace Environment Survey again to truly measure progress since 2017. Will you commit to conducting the Workplace Environment Survey again this fiscal year?

Answer. The Department must balance a number of factors as we work to provide an environment free of discrimination and harassment. As I said in my statement for this hearing, the Department has had a good response rate to the Federal Viewpoint Survey, but we also recognize that there is much more to be done. We look forward to continuing this positive progress in the future.

Mrs. DINGELL. Thank you very much.
The Chair will now recognize Ms. Feldblum.

**STATEMENT OF CHAI FELDBLUM, PARTNER AND DIRECTOR
OF WORKPLACE CULTURE CONSULTING, MORGAN, LEWIS &
BOCKIUS LLP, WASHINGTON, DC**

Ms. FELDBLUM. Thank you, Madam Chair and Ranking Member. Thank you for the opportunity to testify. My name is Chai Feldblum. I am a partner in the law firm of Morgan, Lewis & Bockius. From 2010 to 2019, I was a Commissioner at the EEOC, the Equal Employment Opportunity Commission.

My testimony and the answers to questions you may have reflect my views, and not necessarily those of Morgan, Lewis or its clients.

During my time as a Commissioner of the EEOC, I worked with my fellow colleague, Commissioner Victoria Lipnic, to study how employers might prevent harassment. Although Commissioner Lipnic and I came from different political parties, we were joined in our commitment to stopping and preventing harassment, which is truly a bipartisan issue.

In June 2016, Commissioner Lipnic and I published a comprehensive report on how to respond to harassment when it happens, and how to prevent it from happening in the first place. I have submitted that report as part of my written testimony.

Here are five key take-aways from the report:

(1) Leadership. The best way to stop harassment in the workplace is to have a culture of safety and respect in which harassment is not tolerated. Leaders have the ability to create such a workplace. They need to do three things. First, leaders have to

believe that harassment should not occur in their workplaces. Second, they have to articulate that belief and the expectations that follow. And third, they have to act in a manner that makes their employees believe they are authentic.

(2) Accountability. Let's be real. The most important steps that leaders can take to establish that they are authentic when they say they don't want to have harassment occur is to hold people accountable. First, individuals who have been found, after a full and fair investigation, to have engaged in harassment must be disciplined, and corrective action must always be proportionate to the misconduct. Second, managers who see or receive reports of harassment must be held accountable. Those who ignore complaints or who blame the person coming forward must be disciplined. Those who respond appropriately should be rewarded. And, finally, anyone who retaliates against someone who has reported harassment, or participated in an investigation must be disciplined. If individuals are allowed to retaliate, people will not come forward.

(3) Risk Factors. I was pleased to see that the IG's report encourages the Department to look at the risk factors we had delineated in the EEOC report. Let me just mention three here. First, decentralized or isolated workplaces. An agency can have the best policy or procedures at headquarters, but in decentralized workplaces, individual supervisors often reign supreme. And in isolated and remote workplaces with only a few employees, that is an additional risk factor. Second, a young workforce. Young workers may not even know what is unacceptable in a workplace. Young workers who are themselves managers may not know how to respond to harassment. And third, high-value employees. Allowing a toxic employee to act with impunity, regardless of how valued the employee is otherwise considered, has significant costs to an agency.

(4) Reporting, Investigations, and Training. Sort of pretty basic here. An agency must make it easy and safe for those who experience harassment or who observe harassment to report those incidents. This includes having multiple reporting avenues, responding in a manner that make employees feel it is worth reporting, and keeping employees safe from retaliation. And in terms of training, one needs both the basic anti-harassment training and respect for workplaces and bystander intervention training.

And, finally (5) Culture. Ultimately, stopping harassment depends on having a workplace culture that doesn't tolerate it. The Work Environment Survey undertaken by the Department is an exemplar of an effort to assess one's culture. And if it continues to be done, that will provide important trend data for the agency.

I find in my practice at Morgan, Lewis that it is particularly effective to pair surveys with focus groups and interviews of randomly selected employees. That can provide greater and more nuanced insights into the culture of an organization.

In conclusion, I hope the ideas I have presented here will assist you in your important oversight of the Department of the Interior's efforts to stop harassment in its diverse locations. Thank you for your attention, and I look forward to answering your questions.

[The prepared statement of Ms. Feldblum follows:]

PREPARED STATEMENT OF CHAI R. FELDBLUM, PARTNER AND DIRECTOR, WORKPLACE
CULTURE CONSULTING, MORGAN LEWIS & BOCKIUS LLP

Thank you for giving me the opportunity to testify in this important oversight hearing. My name is Chai Feldblum. I am a partner at the law firm of Morgan, Lewis & Bockius LLP and the Director of Workplace Culture Consulting at the firm. My practice consists of advising clients how to create safe and respectful workplaces in which harassment of any kind is not tolerated and in which employees will perform to their fullest potential.

I am pleased to offer ideas and insights for your consideration as you engage in your important oversight of the Department of the Interior with regard to its efforts to stop and remedy sexual harassment. This testimony and any answers I may provide in response to questions reflect solely my views and not necessarily those of Morgan Lewis or its clients.

I served as a Commissioner of the Equal Employment Opportunity Commission from 2010 to 2019. During that time, I worked closely with Commissioner Victoria Lipnic to study how employers might prevent harassment before it happened. Although Commissioner Lipnic and I come from two different political parties, we were joined in our commitment to find ways to stop harassment. Prevention helps everyone—employers and employees.

Commissioner Lipnic and I convened a Select Task Force on the Study of Harassment in the Workplace from 2015 to 2016. The Select Task Force included management attorneys who counseled and defended employers with regard to harassment claims; plaintiff attorneys who brought claims of harassment on behalf of individual employees and classes of employees; representatives from both employee and employer associations, and academics who had been studying the phenomenon of harassment for decades.

The Select Task Force hosted a series of public and private meetings. The testimony received by the Select Task Force ran the gamut from data on the prevalence of harassment to promising practices on reporting and investigations to big picture ideas for changing workplace culture to minimize the risk of harassment.

In June 2016, Commissioner Lipnic and I, together with our dedicated staff, wrote and issued a comprehensive report drawing on the insights we had learned during our work with the Select Task Force. I am attaching a copy of this report, the Co-Chairs Report on the Study of Harassment in the Workplace, as part of my written testimony. In addition, all of the testimony that the Select Task Force received can be accessed here. [Add url.]

It is obviously of key importance to ensure that illegal harassment, including illegal sexual harassment, does not take place in any workplace. However, the best way to prevent illegal harassment is to have systems in place that stop low-level misconduct that might not yet rise to the level of illegal conduct. Hence, the recommendations in our Co-Chairs' report are designed to stop unwelcome behavior based on any characteristic protected under Federal or state laws (such as race, sex, religion, national origin, disability, age, sexual orientation or gender identity), even if such conduct does not yet violate those laws. The report, and my testimony, refer to these behaviors as "harassment." In addition, some employees engage in bad behavior toward others, even though the behavior is not based on any protected characteristic. Those individuals are equal opportunity harassers. The report, and my testimony, refer to such behavior as "bullying." Finally, even low-level disrespectful and rude behavior can be a "gateway drug" to harassment or bullying. Hence, employers should have in place systems that stop all forms of these behaviors.

Together with Sharon Masling, my lead counsel at the EEOC, I recently joined the law firm of Morgan, Lewis & Bockius LLP to take the recommendations we had set forth in the Co-Chairs Report on the Study of Harassment in the Workplace about harassment prevention and advise businesses and organizations on how to stop harassment before it happens. Here are five key takeaways from the report, as supplemented by the work Sharon Masling and I have been doing as advisors to clients.

Leadership

The best way to stop harassment in the workplace is to have a culture of safety and respect in which harassment or bullying are understood to be unacceptable and are not tolerated.

Leaders, including leaders of a large government agency, have the ability to create such a workplace.

First, leaders must *believe* that harassment or bullying is unacceptable in any workplace that they lead. Everything flows from this first basic belief and value.

Second, leaders must *articulate* their values and expectations. Never underestimate the power of the written and spoken word. If leaders begin an all-staff meeting talking about their commitment to a workplace free of harassment and bullying, that will send a message.

Third, leaders must act in a manner that make their employees believe these leaders are *authentic*. The leaders' values and expectations cannot simply remain words printed on paper or delivered at meetings.

Accountability

The most important step leaders can take to establish their authenticity is to hold those who undermine the stated values and expectations accountable for those actions.

There are three groups of individuals that leaders must hold accountable.

First, individuals who have been found, after a fair and thorough investigation, to have engaged in harassment or bullying must be held accountable. It is particularly important that any corrective action is proportionate. While some forms of harassment, including sexual harassment, will be grounds for termination, not every act of harassment (particularly low-level harassment that is not yet illegal) will justify termination. In a fair and effective system, the corrective action is proportionate to the misconduct.

Second, supervisors who see or receive reports of misconduct must be held accountable for responding appropriately to such information. A supervisor who trivializes such behavior or sweeps complaints under the rug, and does not follow the procedures set up by the employer to address such misconduct, should receive corrective action. Conversely, supervisors that respond well should receive positive reinforcement. The best way to hold supervisors accountable is to include in a supervisor's performance evaluation an assessment of how the supervisor responded upon seeing or receiving reports of harassment or bullying.

Third, anyone who retaliates against an individual who reported harassment or bullying or who participated in an investigation of such misconduct, must be held accountable. If individuals are permitted to retaliate with impunity, few people will want to come forward with complaints and give the employer an opportunity to fix the problem.

Risk Factors

The EEOC report included information on 12 risk factors that can lead to harassment. The presence of one or more of these risk factors does not mean that harassment will be happening in the workplace. They are simply factors that leaders who are interested in being proactive in stopping harassment would do well to study. For example, if a government agency knows that one or more risk factors exist in the varied workplaces that make up the agency, the leaders of that agency can analyze those risk factors and take preventive measures in response.

Here are four risk factors that might be relevant to the Department of the Interior:

- *Homogenous workplaces.* In workplaces where women, people of color, religious minorities or people with disabilities are not well-represented, the risk of harassment increases. The best long-term response to this risk factor is to increase the diversity of the workplace. In the short-term, it is particularly important that individuals in such workplaces understand that harassment will not be tolerated and that people who report misconduct will be protected from retaliation.
- *Decentralized and isolated workplaces.* A government agency may have the best policy and procedures at its headquarters. But in decentralized and isolated workplaces, individual managers or supervisors often have much greater control over the culture of that workplace. Having mechanisms to assess how supervisors have dealt with complaints of harassment in those workplaces, and holding such supervisors accountable through performance evaluations, are essential in dealing with this risk factor.
- *Mundane tasks/boredom.* When employees are engaged in repetitive or mundane tasks, they may engage in inappropriate behavior—including inappropriate jokes and various forms of sexual harassment—as a way to pass the time. If such behavior has been the norm in the workplace for a length of time, it may be particularly hard to change that culture. However, if proportionate corrective action is taken, a change in behavior will usually follow.

Reporting and Investigations

An agency cannot take corrective actions against those who engage in harassment, or hold supervisors accountable in performance evaluations for not responding appropriately to reports or observations of harassment, if they don't know about those incidents of harassment. Agencies must therefore have mechanisms that make it easy and safe for those who experience harassment, or those who observe harassment, to report those incidents.

An effective reporting system has multiple avenues through which employees can report. It is best if employees can report to their own supervisor, to another supervisor, or to the agency's human resources office. The EEOC recommends that government agencies designate an individual as a Harassment Prevention Coordinator who can deal with complaints of harassment.

Agencies must also ensure that individuals who report harassment are protected from retaliation. Obviously, individuals should be told that if they experience retaliation, they should report that as well. But there is no reason for the onus to be solely on the individual. An agency can put in place mechanisms to oversee what happens after a report of harassment is made—particularly in a decentralized or isolated workplace.

Training

Training to stop harassment is an essential component of a comprehensive effort to create a safe and respectful workplace. But that training will be most effective if it is integrated into an overall campaign to stop harassment that includes the components described above.

The EEOC Co-Chairs report lays out the variables that are important for a foundational anti-harassment training. Those variables are set forth in a user-friendly checklist that can be used by any government agency, including the Department of the Interior.

But agencies can go beyond that basic anti-harassment training. The EEOC Co-Chairs report recommended that employers provide respectful workplaces training that is not focused on unwelcome behavior based on legally protected characteristics (such as sex or race), but rather is focused on giving employees the skills to affirmatively create a safe and respectful workplace for everyone. Several years ago, the EEOC developed and has been providing a Respectful Workplaces training to government agencies and private employers.

Sharon Masling and I have developed similar training at Morgan Lewis that we now offer to our clients. The training teaches employees how to give feedback when they experience unwelcome behavior and how to receive such feedback. If misconduct can be stopped early through such feedback, that is the best outcome. The training also educates employees have to be active bystanders in helping to stop harassment. For supervisors, the training provides skills in responding to complaints of harassment in a constructive manner and in coaching employees who are engaging in problematic behavior.

Cultural Assessments

A significant proactive step that leaders can take to create a safe and respectful workplace is to assess the existing culture in their workplaces.

The EEOC's Co-Chairs' report recommended that businesses and organizations perform climate surveys to assess the state of their workplace culture. Over the past year, we have refined that recommendation in various ways.

First, employers often deploy general employee engagement surveys that ask questions about a range of workplace issues. The Federal Government's Federal Employee Viewpoint Survey (FEVS) is an example of such a survey. OPM could modify the FEVS to include questions about feeling safe, respected and valued in the workplace, as well as questions regarding harassment and bullying. Even before OPM undertakes such a change, agencies are permitted to ask OPM for two questions specific to the agency. The Department of the Interior could ask to include specific questions as to whether employees would know what to do if they experienced harassment, including sexual harassment, and if they would feel comfortable reporting harassment that they have experienced or observed.

There are also more sophisticated assessments that can be done in a targeted fashion. For example, we have developed at Morgan Lewis a short 20-question survey focused on safety and respect. The survey can also include an open-ended question seeking narrative input. We offer that survey to clients who wish to do a short, targeted assessment. The best assessment, however, also includes focus groups and/or interviews of randomly selected employees. Then qualitative data collected from these efforts offer even greater insights into the culture of the organization.

Conclusion

Stopping harassment depends on having a workplace culture that simply does not tolerate harassment. Everyone from the top to the bottom of an organization can play a role in creating a workplace in which not only harassment, but also bullying and even rude behavior, is not countenanced. In such a workplace, everyone benefits and everyone thrives.

But ultimately, leadership is key to achieving a safe and respectful workplace in which harassment is simply not tolerated. I hope the ideas I have presented in this testimony will assist the Committee in its oversight of the Department of the Interior's efforts to stop harassment throughout its diverse locations.

The following document was submitted as a supplement to Ms. Feldblum's testimony. This document is part of the hearing record and is being retained in the Committee's official files:

—U.S. Equal Employment Opportunity Commission, Select Task Force on the Study of Harassment in the Workplace, Report dated June 2016.

QUESTIONS SUBMITTED FOR THE RECORD TO CHAI FELDBLUM, PARTNER,
MORGAN, LEWIS & BOCKIUS LLP

Questions Submitted by Rep Cox

Question 1. Of the 12 organizational risk factors laid out in the Task Force report, which are most apparent—and most urgently in need of redress—at DOI?

Answer. I am not well-versed in the specific worksites of the Department of the Interior. Based on my general knowledge, however, the following seven risk factors identified in the 2016 EEOC report may be relevant: (1) homogenous workplaces; (2) a young workforce; (3) workplaces with “high value” employees; (4) workplaces with significant power disparities; (5) workplaces with monotonous work or tasks of low-intensity; (6) isolated workplaces; and (7) decentralized workplaces. Depending on a particular worksite, the following additional four risk factors might come into play: (1) workplaces with some employees who do not conform to workplace norms; (2) workplaces with cultural and/or language differences; (3) workplaces that rely on customer service or client satisfaction; and (4) workplaces that tolerate or encourage alcohol consumption. Coarsened social discourse, the twelfth risk factor identified in the 2016 EEOC report, can apply to any workplace.

Question 2. What is the best way to know whether an organization's efforts to change the culture are working?

Answer. The best way to know whether an organization's efforts to change its culture are working is to collect quantitative and qualitative data about the organization's culture, both prior to and following the efforts that are undertaken. Quantitative data can be collected through targeted survey questions that focus on safety, respect, diversity and inclusion. Qualitative data can be collected through focus groups and interviews of randomly selected employees. To get the best information, the same survey questions and interview questions should be used over time.

The success of culture change efforts should not be based on the number of complaints of misconduct that are filed after such efforts have been undertaken. If a workplace in which it previously felt unsafe to report misconduct becomes a safe workplace to report because of culture change efforts, one should expect and welcome an increased number of complaints as an initial matter. Over time, however, that number should decrease. If it does not, that becomes cause for concern.

Question 3. Would it be redundant for the Federal Employee Viewpoint Survey to ask questions about sexual harassment while Interior also conducts a full Work Environment Survey every 2 years?

Answer. It would not be redundant if the Federal Employee Viewpoint Survey (FEVS) asked questions about harassment (of all forms) of all agency employees. Indeed, if OPM did so, the Department of the Interior could benchmark itself against other agencies. However, to determine changes in the experiences and views of Department of the Interior employees, one must compare answers to the same questions over time. For that reason, one cannot compare answers to a question in

the FEVS that is similar to a question in the Work Environment Survey. The difference in the answers may result from how the question is asked or the context in which it is asked.

Question 4. How does a pervasive sexual harassment problem affect DOI's ability to do achieve its mission?

Answer. I am not versed in the intricacies of DOI's many obligations. However, as the 2016 EEOC Report made clear, when harassment of any kind is left unchecked, it will adversely affect job satisfaction, productivity and retention. These are all elements that are key to achieving the mission of any job.

Mr. COX [presiding]. Once again, we thank the witnesses so much for being here.

I understand the gentlelady from Michigan has a scheduling consideration, so we would like to recognize her for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman.

Ms. Feldblum, this Committee put out a report on sexual harassment issues in Interior in early 2018. The Committee relied heavily on the Task Force on Sexual Harassment, for which you were the co-author. We want to personally thank you for all of your hard work on the report, because it was invaluable.

But in your testimony, you mentioned that there are certain risk factors that may put an organization at a heightened risk for sexual harassment to occur. The Committee's report examined data that showed that several of these risk factors do exist at Interior, including non-diverse workforces, significant power disparities between men and women, geographically isolated workplaces, and decentralized workplaces.

Although the Committee didn't have access to data sources that could help determine whether the other risk factors exist as well, it is possible that they do. Do any of the other risk factors come to mind when you think about Interior?

For example, the Grand Canyon case features a high-value employee, and the Park Service has had a lot of young, seasonal employees. So, I would be interested in your feedback.

Ms. FELDBLUM. Sure. One of the key things Commissioner Lipnic and I did with the task force—there was a select task force on the study of workplace harassment—was thinking about how to be proactive to stop harassment before the EEOC showed up at the doors of the employer.

And one thing was to consider risk factors. And just because there is a risk factor doesn't mean harassment will occur, it just means leaders need to think proactively. And we had 12 risk factors, and you noted a number of them.

I do think the young workforce is a real key risk factor. And the training needs to be customized to that young workforce. I think what we called in the report the Superstar Harasser, which is simply the harasser that is considered of high value, a top performer—which, of course, is a logical fallacy in that. You can't be a top performer if you are causing harassment and people are leaving.

So, I think power disparities, diversity, homogenous workplaces with just a few women, people of color, that is a problem. I commend the Department for what it is doing already, and urge you to look at that report.

Mrs. DINGELL. Thank you.

Mr. Greenblatt, your report highlighted the risk factors as an area for Interior's bureaus to explore in their action plans. Can you tell us more about that?

Mr. GREENBLATT. Yes. As we were going through our analysis, we recognized that the subject matter experts had done their presentation. And we thought that would be helpful for the various bureaus. Some of them did include that in their individual action plans.

And what we were recommending is that the remaining bureaus that hadn't considered the EEOC's risk factors, to look at those. And there is no reason for them to recreate the wheel, when you have the subject matter experts laying out the risk factors that they should consider.

Mrs. DINGELL. Thank you.

Ms. Combs, given the importance of these risk factors in planning an organization's effort to address harassment, how is Interior planning to implement the Inspector General's recommendations?

Ms. COMBS. Well, I have a timeline and we are, obviously, on track with all of those.

But I want to sort of address it at a higher level, which is really about culture, civil training for leaders. We launched that in April 2017, and we demanded within a 2-year period that all supervisors be given that training in person, around the globe. And that has been done. As of February, 9,000 supervisors had been trained.

Second, it was made part of their individual performance standards. There are 13,114 supervisors, and they all now have that embedded in their performance standards.

Third, training. We have a contract with a third-party vendor who is going to do online training for all 70,000 employees, and that will be customized to the various bureaus. That will be customized across the Department. And we, of course, welcome input on that. And that will probably happen late summer. It is going to take us some time to do that. Starting next week, there will be 72 4-hour segments. As I mentioned, we will be training about 2,160 people.

So, we are trying to do this from sort of bottoms up, as well as top down. And the Workplace Culture Advisory Council, which I chair, has all of the assistant secretaries on it, all the deputy assistant secretaries, the bureau leadership, and we make it a point to say that this is very, very important throughout the Department.

Mrs. DINGELL. Thank you. I am down to 7 seconds. I am going to take a point of a personal moment, which is to say that at the top, people have to protect people who come forward. They can't be viewed as troublemakers. So, even when people go through the motion of addressing the problem, but they are still totally ostracized in the workplace, nobody hires them, nobody promotes them because they are labeled as troublemakers, that is still too real in workplaces not just at Interior, but across the country, in corporations, et cetera.

So, leaders have to lead on making sure that doesn't happen. Thank you, Mr. Chairman.

Mr. COX. Thank you so much. The Chair will now recognize the Ranking Member for 5 minutes.

Mr. GOHMERT. Thank you, Mr. Chair. And personally, I can't imagine anybody considering Congresswoman Dingell a troublemaker.

But anyway, I am curious. And we do appreciate your work, Inspector General. You mentioned that somebody is in jail today. Could you tell us a little more about the facts of the case? I think it is helpful for people out there that may be tempted to act similarly.

Mr. GREENBLATT. This was a situation of a supervisor who was making untoward advances, physical advances on another employee while they were in a remote location. And that included laying on top of her at one point. And this was totally inappropriate in every way.

Mr. GOHMERT. I would say, and hopefully people will get the message. That is just unbelievable to me, that that could even happen.

I am hopeful that having superiors closer to the people that are out there doing the work may also help stem the tide of those type of activities. And we have noted previously 99 percent of all the land that the BLM controls is west of the Mississippi. And I am sure there are a lot of people that are quite comfortable here in Washington that are not looking forward to going to Grand Junction. I think it is great. And my understanding is there will actually be supervisors closer to the people with whom they are working. Is that correct, Secretary Combs?

Ms. COMBS. Yes, sir. And in fact, two things are important. When the new policy bulletin was issued in 2018 it said a person can complain to any supervisor anywhere. Because of the remoteness issue, you can't be trying to address your supervisor who may or may not be the bad person. So, that was an important change.

And I would say, second, with the move west of the Bureau of Land Management staff, getting decision makers out in the field where they can take hold of things immediately is, obviously, desirable, and it does make a difference.

And from that perspective, I work with the field special assistants. There are 12 of those. I had a conversation with them just last night, and they are appointed by the Secretary, and they are in all the regions, and they understand their role in this particular matter. And they were talking with the human resources people yesterday from 3 to 4, and I talked to them from 4 to 5. I thanked them for all of their work, and I said, "You are leaders in your region, and you represent all the bureaus." And I said, "I expect you all to help continue making this effort to go forward."

So, they shared with me that they have been having—they have executive councils in the region made up of all the leadership of all of the bureaus in the particular region, and they meet regularly. And I said that I would be sending them some of the materials that we have.

I think this group of individuals—except for two, they are all career individuals, and they truly embrace and understand their role as collaborating between bureaus. They are not representing a bureau, they are representing the Department of the Interior. And it is their job, absolutely, to effectuate these policies that are so important.

I would say, on a personal basis, this makes a big difference to me. I launched a women's empowerment group in 2015 after I left state service. I have a 4-year-old granddaughter. And I am not letting anybody get in my granddaughter's way. I will just give fair warning.

But this is important. Chairing this council has been both a privilege and a pleasure. So, I welcome input, I welcome advice, because there is nothing more important that we can do to create a respectful workplace where people feel valued and that they are heard. If they speak, we listen.

Mr. GOHMERT. Well, I appreciate that. And you have looked at Ms. Feldblum a few times as you spoke. So, I am sure you have a great deal from her study, her report.

And one of those things in her report was that strong leadership is identified as a key factor in effectively addressing harassment in the workplace. How are current leaders at the Department of the Interior demonstrating their commitment toward strong leadership?

Ms. COMBS. Well, Secretary Bernhardt also has a daughter, and he and I have chatted about women, and he has given me all the budget that I have needed for this effort. He has given me the resources. He has issued messages. And when he goes around the country, he talks about these efforts and how he wants to transform the Department of the Interior.

And he is a longtime hand at the Department, and I think people know that he is a sort of WYSIWYG, what you see is what you get. He is very, very linear.

Mr. GOHMERT. Thank you very much. My time has expired.

Mr. COX. Thank you so much, Ranking Member. And I will recognize myself for 5 minutes.

Ms. Feldblum—and thank you to Mrs. Dingell for reading my opening statement—but in that testimony we have seen example after example of low morale and distrust in current leadership among Interior employees.

One of the most egregious examples is the very recent abrupt announcement that the BLM, the Bureau of Land Management, is going to be moving its headquarters out west to Grand Junction, a place that is relatively isolated, a small town in Colorado. This Committee did a hearing exposing the sham that is that relocation. A predictable effect is that employees who are going to be made to uproot their lives with very little notice are upset.

In a recent article, employees were said to be questioning the wisdom and the "moral courage of leadership." Early in this Administration, over two dozen senior employees were suddenly reassigned to different duties and locations. When the OIG asked them about who was chosen to be reassigned and why, DOI tried to cover it up. And these reassignments sent a clear message to all Interior employees: Step out of line, and you will suffer.

Ms. Feldblum, in your experience, is it possible to fully address an organization's systematic culture problems with sexual harassment if the workforce doesn't trust its top officials?

Ms. COMBS. Thank you, Chair.

Mr. COX. Oh, sorry, Ms. Feldblum. And then I will have you speak to that as well, Ms. Combs.

Ms. FELDBLUM. Yes. So, obviously, I don't know the information about the Department of the Interior, itself. I will say that it is important to have a culture of respect all the way across in an organization, and that is respect in terms of encouraging people to come forward with their opinions, in being able to raise their concerns. Because if you have that overall culture of respect, then it will be easier for people to come forward with their complaints about harassment, as well.

So, again, I don't know specifics of the Department of the Interior. I can say the social science is clear that people need to feel respected and valued in order to feel comfortable coming forward with complaints.

Mr. COX. Great. Thank you. And Ms. Combs, it is the Committee's understanding that the BLM plans to proceed with the transfer, despite the opposition of the affected employees. And, in fact, some have speculated that this move is just a tool to get employees unhappy enough to quit.

How is Interior going to regain the trust of these employees after this move takes place?

Ms. COMBS. Well, I am not in charge of the move from the Bureau of Land Management, but I will say at the overall Interior level I would echo the comments made about we do have to have sort of an open society. We do have to have open conversations. We do have to have a culture of respect.

And we issued four questions last April, to which we got about 11,000 responses. The folks at the Department said they wanted to be heard, they wanted to feel respected, and that they liked the Department, but that they wanted to be engaged. So, what we believe is that our bystander intervention, our inter-generational training, all of these things which we are engaging with these employees, and then the online harassment training is going to be helpful.

With respect to the move, as I say, I support the move because I think, from a policy perspective, when all of the land is in the West, I think it is important that you have the decision makers at the local area.

So, again, I am not in charge of the BLM move, but I would agree with your comment that, yes, it is important to have an open conversation with the people that you are supervising.

Mr. COX. Do you think moves like these, that are really made without consultation with the employees that are unhappy about that move, it doesn't lead to much buy-in from them. Do you think that creates a culture of distrust amongst senior leadership with the employees?

Ms. COMBS. Well, again, I don't know the particulars about who is or is not happy with the move. I do know that this was a thought-out process, from what I have been told from BLM, for about 2 years, and they evaluated and they took a look at selecting Grand Junction—and I have actually been to Grand Junction, and I kind of like the city.

Mr. COX. Have you ever seen the rationale for that move?

Ms. COMBS. Have I ever seen the business case for the move?

Mr. COX. The business case and the rationale for that move.

Ms. COMBS. Well, I believe there is a business case for the move, absolutely.

Mr. COX. Have you ever seen it?

Ms. COMBS. I have seen a draft business case for the move. Yes, sir, I have.

Mr. COX. Well, this Committee would like to see it, as well, some time.

That brings me to the balance of my time for this round of questions, and I recognize the Ranking Member once again.

I beg your pardon, and thank you. Beg your pardon. I will recognize Mr. San Nicolas.

Mr. SAN NICOLAS. Thank you, Mr. Chair.

Ms. Combs, just some observations in your testimony. The awareness of employees, in terms of where to report harassing conduct was at 62.3 percent in 2017, and it went up to 94 percent in 2019. What was done to increase that awareness for the employees?

Ms. COMBS. Policy Bulletin 1801 was issued in April, and it was very prescriptive, and it went to all employees, and it held all of the human capital employees responsible. And, as I say, it was followed up with the training performance standard that came in the fall.

I would say that the timeline that is in place right now, within 1 day, within 24 hours, if there is a complaint made, there are several steps that have to be taken within that 24 hours, and people understand they will be held accountable for that.

I would also add that the I-MART tracking system, people understand that there are timelines in place, and those will be followed.

What I think was actually another reason for this, I think the report that came out in 2016 was so horrible, it was such an eye opener, and I think people were just astonished and shocked at what had happened to those folks in Grand Canyon and elsewhere. And I think it prompted the kind of soul searching that, obviously, should have taken place earlier. And I am very sorry to hear about the event that Mr. Greenblatt has referred to last night, recurring last night. I just think it is a constant repetition that has to take place, and people have to be held accountable, which is why there is this training, the civil training for leaders, that covered 9,000 people. And that was face-to-face, and that was around the globe. Then we went to Guam and Hawaii to meet people face to face, to impress upon them this is serious. We are taking this seriously. And I think that has an effect.

So, the new trainings that are coming on, I think those are important, and people want them. We are getting great response. People say, "Yes, we want to be trained, and we look forward to being heard."

Mr. SAN NICOLAS. I just wanted to observe—I think that it is a really good thing that the awareness thresholds have gone up that dramatically.

And I also think it is a really good sign that the instances dropped, while the awareness increased. I think that that shows that the agency has been doing a very good job of targeting the high-risk areas and addressing those high-risk concerns, because when awareness is only at 62.3, and you have a 35 percent

reporting rate, and then it goes up to 94 percent and you have an 18 percent reporting rate, then that shows that the problems are really being tackled.

So, I just wanted to kind of highlight that, and get an idea of why the thresholds were so low to begin with. Do we know why there was such a lack of awareness back in 2017?

Ms. COMBS. I think there was an unfortunate culture that didn't encourage people to feel heard. I mean, the data from the Workplace Environment Survey made that clear. You read the statistics and it is very troubling. I think you have to do a major course correction. And I think that is what they have done.

But it is never over. And I would sort of give, as an example, who would have thought 20 years ago, or 15, that online bullying would be the kind of problem that it is today? We weren't ready for it. So, online misbehavior is a threat anyplace, and person-to-person is a threat.

What I also found interesting in the workplace report was that the peer-to-peer was about 54 percent in an office, face to face, one on one. So, it wasn't outside, it wasn't at a party, but a lot of it was just peer to peer. It wasn't even supervisors, which that struck me as it wasn't so much power disparity as it was people just saying things.

And that is why the bystander intervention is so important. We had a very high number of people saying stop. And even if the victim didn't say it, the bystander did. So, we are working on enhancing the bystander intervention training, and that is going to be 2 hours of all these sessions across 72 sessions. We think that is going to be helpful.

Mr. SAN NICOLAS. Well, I thank you very much. And I hope the trend continues. And once the awareness is already at this kind of a level, of course, getting it to 100 percent is always ideal. But bringing these trends further down is, of course, the target. And I am hopeful that we are going to be able to see more implementation of the IG report in the future.

Thank you, Mr. Chair, and I yield back.

Mr. COX. Thank you, Mr. San Nicolas. And the Chair will now recognize our Ranking Member.

Mr. GOHMERT. Thank you, Mr. Chair. And it is nice when we have bipartisan goals that align with each other.

I am curious, Inspector General. How do you intend, going forward, to get the word out to people? And I realize it may not be fully your responsibility, but you can certainly have an effect by getting the word out to people about somebody going to jail and having serious consequences as a result of these inappropriate actions.

Mr. GREENBLATT. Sure. Well, moments like this are certainly helpful in that regard.

One thing that is critical is that the victim reported the issue right away, and then the supervisors reported it to the OIG, and we took it all the way to the—

Mr. GOHMERT. There was no hesitation in reporting it?

Mr. GREENBLATT. I didn't hear you.

Mr. GOHMERT. There was no hesitance in reporting it forward. Sometimes we have a delay, and that contributes to the problem, when there is any delay at all in reporting.

Mr. GREENBLATT. Certainly, but we will—

Mr. GOHMERT. By a supervisor going upward.

Mr. GREENBLATT. Certainly. We will take all the cases. That is certainly helpful, when they come as fast as possible. In this case, it went right away. She went the next day to her supervisors, and they came straight to the OIG, and we pounced. So, this is one way that we can sort of spread the word, as you said.

We also want to stay on top of it, in terms of conducting investigations. As I said, we have eight active cases. We are going to continue. We are also going to work with the Department and help oversee their efforts in terms of training, and ensure that folks know that they can come to the OIG or the departmental avenues that they have made available. And we can help evaluate the nature of the training that is going out to all the employees, as Ms. Combs mentioned. That is a way that we can stay involved, going forward.

Monitoring the investigations, the quality of the reports that are coming forward in the investigations—that is one thing we found in this report, is that there is a sufficiency problem with the investigations that the Department was doing, or it was contracting for, they weren't legally sufficient. So, then the agency, the Department, couldn't take action because the underlying investigation, the report wasn't of a good enough quality to take action on. That is one thing where we can add value, as well.

So, I think there are a number of different routes that we can add value. But spreading the word is certainly something that we are engaged on, and trying to do as much as possible.

Mr. GOHMERT. Yes. Secretary Combs, having been a felony judge, we have seen times when there was instant outcry by a victim, and then not always immediate action. And it seems to go hand in hand with what Ms. Feldblum was talking about, strong leadership. How do you intend to get the word out to supervisors that they cannot delay, they must move forward if there is a report of inappropriate action?

Ms. COMBS. The policy is they shall turn it around in 1 day. They shall report up to their supervisor. They shall contact the lawyers, and they shall contact law enforcement, if necessary, or OIG. That is a 24-hour period. And that is not flexible. It is 24 hours, period.

Mr. GOHMERT. Well, that is excellent.

Ms. COMBS. And I would say, also, I used to be a prosecutor, and I used to handle child abuse cases, and I am well aware that you have to have legally sufficient evidence.

Mr. GOHMERT. And I understand that. We also heard the report that the previous administration, the Department of the Interior had not been meeting the EEOC requirements. Is Interior now meeting the EEOC requirements?

Ms. COMBS. Well, we are in, obviously, good consultation with the EEOC, and our policy has met all of their requirements, and meets their model policy. And our training, we run those by the EEOC, and they approved them, our latest round of training, to be

Department-wide within 24 hours. So, yes, we are in constant touch with them.

Mr. GOHMERT. Thank you. Again, thank you all for being here today. I appreciate not just your being here, but the work you have been doing on this important issue.

I yield back.

Mr. COX. Thank you, Ranking Member.

Ms. Combs, in your testimony, you referred to some of the findings from the Federal Viewpoint Survey that showed positive results and Interior's progress in rooting out harassment in the Department. And that is, obviously, great news.

But I do want us to be cautious about declaring victory prematurely. And I am sure, as you well know, comparing results from two different surveys could be problematic. And from what I understand, the Federal Viewpoint Survey that was conducted earlier this year and the Work Environment Study that Interior conducted in 2017 are two completely different survey instruments, and that small changes in wording, and how the survey is conducted, or when the survey is conducted, can have significant effects on the findings of that survey.

That is why members of this Committee have repeatedly asked Interior to repeat the Work Environment Study that was conducted in 2017. I think we feel that that will be the only truly accurate way to determine whether or not progress has been made since then.

That being said, I certainly want to commend Interior's efforts to include questions about harassment in that Federal Viewpoint Survey. And I am very interested to see the exact wording of the questions that were added. Would you be willing to provide those questions and the findings from those questions to us?

Ms. COMBS. Yes. And let me also add that I think I am going to try to ask OPM to put these questions in everybody's survey. I think if we have hundreds of thousands of Federal employees, I think we need to get the baseline established with the FVS.

We have a very good participation rate. We had the second-highest participation rate on these FVS of any department over 50,000. We had about 58 percent participation, which means they wanted to be heard. So, that was quite good.

So, I think, if we could get OPM to include these questions on all surveys, all FVS, I think that would be a good step forward for the entire Federal Government.

Mr. COX. Yes, that would be a fantastic step forward. I commend you for that. I would be a little concerned that it is already not coming down from the top, and no disrespect there.

Ms. Feldblum, in your testimony, you talked about the importance of using climate surveys to assess the culture of an organization. And, again, adding questions to the Federal Viewpoint Survey is a great start, but could we address sexual harassment more thoroughly and quickly with the recurring Work Environment Survey?

Ms. FELDBLUM. Absolutely. I mean, I was just struck by how good this Workplace Environment Survey was that the Department of the Interior did. I have seen many surveys. I have created some myself. Very good survey.

And that is why I think one has to be careful to say 35 percent said they experienced harassment based on that survey, and then using the 18 percent from another survey. You really have to be careful about that. But I think the best, obviously, would be to have that Workplace Environment Survey repeated at the Department of the Interior.

But from my perspective, this hearing could end up being a phenomenal success, right from the fact that if Assistant Secretary Combs does get to OPM and ask for those questions—when I was a commissioner at the EEOC, I went to them constantly, asking for those questions to be added to the Federal Employee Viewpoint Survey. From the EEOC we were told we could have two for the EEOC, so we put in two about harassment and culture. I am amazed that Interior got six. I guess they were bigger than EEOC.

But what would be amazing is if the leadership of OPM put these questions in for all the agencies. And then, what would be even better is if the Department of the Interior did its Workplace Environment Survey again, and so did other agencies.

Mr. COX. Yes, to a certain extent, that is what I was mentioning before.

We have about a minute left here. Ms. Combs, I am very interested about the Workplace Culture Transformation Advisory Council that you had mentioned. Can you give us a little bit more color on that?

Ms. COMBS. Yes. This is something that I created because I was worried about sort of the culture. And I wanted to have this thing be very granular, so we have all of the bureaus participate. And Tammy Duchesne, who is a former National Park Service person, she was very involved in some issues there at the National Park Service. She is leading that, and she is right now on her way out to USGS. She has already been to Albuquerque, she is traveling around to the Bureau of Indian Affairs, and she is sort of talking about this.

And we had done a four-question survey last April, which was—let's see, we got over 10,200 responses, which I thought was pretty wonderful, in about a week and a half. We will do one again this spring, and that will be assessing how we are doing. So, we think we are making progress.

Mr. COX. Great. Thank you so much. The Chair will now recognize Mr. San Nicolas once again.

Mr. SAN NICOLAS. Thank you, Mr. Chair. I will go ahead and yield the balance of my time to yourself.

Mr. COX. Thank you so much. I will recognize myself again, and to follow up a little bit more about the Workplace Culture Transformation Advisory Council.

And if you would continue on that, I would love to hear more about that.

Ms. COMBS. Yes. We have a website and that was launched this morning. We had it already, but it is up for the public now. You go to DOI.gov/employees/transformation, I think. And it is a way for us to sort of talk to everybody across the Department.

And what we are doing is we are having points of, what I call the points of contact. We are meeting all the time. We are sending out messaging. We are sending out slide decks that can be used all

across the Department. And what Ms. Duchesne is doing is she is putting together teams from all of the various bureaus, and giving them guidance on communication, et cetera.

We have a communications individual working on this. Obviously, the chief human capital officer is very supportive, and she is spearheading all of the training, the 72 4-hour sessions on bystander intervention and inter-generational, that is her baby, which starts next week. We are trying to do this from a variety of areas. And she is also the one that has put together the team to go ahead and do the all-Department training.

So, we are pushing this at various levels. Some people like in-person training, some people prefer online. They may not want to be face to face with you, but we are trying to push all of those. And that is just for the next few steps.

Mr. COX. Great. And how are you measuring baseline, and then the progress toward your goals?

Ms. COMBS. The baseline?

Mr. COX. Baseline of your culture and progress toward the transformation to improve the workplace culture.

Ms. COMBS. The baseline that we are using right now, the one we just got, is the FVS. That is a baseline which because it will be the same survey, it will continue forward.

We are also getting input, people that have the ability to e-mail us. But the main thing is you do have to get the input in from the individual employees on how things are doing. So, we think that the FVS is a great tool. And, obviously, it is a tool, it is not the only tool, but it is a tool. And it will be repeated, and it is free, which we like.

Mr. COX. Great. Thank you so much.

Inspector General Greenblatt, in your report, one of the main findings had to do with the cost of harassment investigations. And at Interior, individual officers are currently responsible for bearing the cost of those investigations. Unfortunately, that means some of the smaller offices and bureaus may be hit especially hard by a particularly costly investigation. The report mentioned that this could have a "chilling effect" on offices when it comes to investigations.

One of the report's recommendations was to implement a system for bureaus and offices to share costs, so that no one office is unreasonably burdened. Can you tell us a little bit more about that finding?

Mr. GREENBLATT. One of the concerns we heard—and we don't have any data on this, this is more of a theoretical issue at this point, but it is a ripe issue that could arise—is if you are in a smaller office, and there is a complaint that comes forward, and that office then has to bear the cost, that could impact their training, that could impact their ability to carry out their mission. So, therefore, there is a concern that if there are employees in a smaller office, they may be less willing to come forward and incur that cost on their own office, be it the survivor, the victims themselves, or a witness may be reluctant to come forward.

At the same time, we understand, from the Department's response, that some of the bureaus want to hold those local

managers accountable by making them pay for investigating that misconduct.

So, there is a balance there that the agency has to weigh. But one of the things we wanted to identify is that chilling effect is a real concern, especially for the more remote locations that may have a smaller budget, which an investigation could then impact in a significant way.

Mr. COX. Ms. Combs, in your response to the Inspector General, this is one recommendation that you only partially agreed with. You concluded that keeping investigation costs local may serve as a way to keep the managers, supervisors in those offices, accountable for not creating the right environment to prevent harassment.

Doesn't making local offices bear the burden of the investigation costs create a disincentive to investigating these cases?

Ms. COMBS. Well, I think the Inspector General is correct. See, we are approaching this from two perspectives. We are going to be looking at the working capital fund being used as a vehicle which spreads the cost across the Department, as well as December 1, our new third-party vendor comes in with a fixed cost plan. That third-party vendor, that award will be given on December 1. So, we will have sort of two approaches.

Mr. COX. Great. Thank you so much. The Chair will now recognize Congressman San Nicolas once again. He waives. And the Chair will recognize myself once again.

Thanks so much, Ms. Combs.

Ms. Feldblum, do you agree? Is it a good idea to use investigation costs as a way to, essentially, punish managers and supervisors for not flushing out all the instances of harassment?

And could this strategy actually disincentivize managers and supervisors from conducting investigations?

Could this discourage employees from reporting incidents of harassment?

Ms. FELDBLUM. Yes. I think it is very important to incentivize managers to not have harassment in their workplaces.

It is not a good idea to do the incentives by, for example, saying we are going to see how many harassment complaints are coming out of your division, because then the managers can subtly and not so subtly tell people, "I don't want to hear, and then I don't have to show that I have complaints coming out."

Same thing is to say you are going to have to bear the cost, and you are worrying about what that might do to your other mission goals. That is not a good idea.

So, I am encouraged by what Ms. Combs just said, move the cost to some central fund, get a good outside company that is doing the investigations at a set cost that, hopefully, will not come out of their budget. But then hold them accountable on how safe they have made the environment, how many complaints are coming forward, have they been dealt with, and put that in their performance evaluation. That is going to be the best approach.

Mr. COX. Great. Thank you so much.

And back to the EEOC task force report, which you co-authored. Other expert resources contend that a lack of diversity in an organization and harassment often go hand in hand. Can you give us a little bit more information, color on that?

Ms. FELDBLUM. Well, I think some of this is probably common sense, right? If you have 10 men in a workplace, and then 1 woman comes in, or 10 white people in a workplace and 1 black person comes in, and you have just even 1 or 2 of those people starting to harass that new person, and no one else intervenes, that is a problem, right?

I mean, it is almost common sense. It is just that the data shows that it is actually true. So, obviously, you have to change the diversity of that workplace setting, and you have to change the diversity up at the top, so people know that there are leaders who are people of color and are women, and that makes a difference.

I will say I am thrilled to hear about these 70 bystander intervention trainings that you all are doing. I actually feel one of the contributions we made in the EEOC report was to bring this concept of bystander intervention to the workplace. People were not talking about that. But in our research we saw that universities and campuses were using bystander intervention to train students how to intervene to stop sexual assault before it happened by distracting someone, pulling them away, by directly intervening, by telling someone about it afterwards.

And we said maybe we could apply this to the workplace. Obviously, the power dynamics are different in the workplace than student-to-student, so the intervention training—and we offer that from Morgan Lewis, as well—has to take into account the power dynamics, and what is a reasonable option for intervening.

But if you do that, and if the leadership on the top tells people, “We want you to intervene,” that is huge. And paying for bystander intervention training is one way of communicating that, and then supporting bystanders who do intervene, like acknowledging them, recognizing them—let’s make the Department of the Interior a model for the other departments by the work of your Subcommittee, and IG. That would be nice.

Mr. COX. Well, thank you so much for that, because that does bring rise to, really, kind of my next question.

The Western Values Project found that, among the 104 political appointees at DOI, women only represent 28 percent. And among the 221 board appointees, women make up only 25 percent. The rest of the workforce at Interior is pretty male-dominated, women generally making up about 40 percent of all Interior employees.

So, is that an issue at all that women are making up such a small proportion of leadership?

And, certainly, if you have the time, I would like you to comment on the racial and ethnic diversity. Is it similarly important to have people of color represented in positions of leadership when it comes to combating harassment?

Ms. FELDBLUM. Certainly. It is essential to have women, people of color, and people with disabilities in positions of leadership. Again, that takes intentional strategic plans.

At Morgan and Lewis, I ran a whole diversity inclusion practice, helping employers to get from here to there. It is not easy, but it is absolutely doable.

Mr. COX. Thank you so much.

And Ms. Combs, I certainly would love your input and thoughts on that, because former Secretary Zinke didn’t seem to agree,

frankly, with Ms. Feldblum. He made several comments, "Diversity isn't important, I don't care about diversity. I don't really think that is important anymore."

And, certainly, as Acting Secretary that oversees the Office of Human Capital, Office of Civil Rights, do you agree with these statements?

And what is Interior going to do to recruit more people of color and women into positions of leadership?

Ms. COMBS. This is a great conversation. I am glad to have it, because I think, certainly, my shop at the Policy, Management and Budget is very, very diverse. But it is hard sometimes to get people into a Department which is perceived as maybe not so diverse.

So, we have just launched on October 1 something called the Career Path. And it is novel. We had a woman from the National Science Foundation come up, and what we are trying to say to people is please come to the Department, there are all kinds of things to do. If you are here, you are not going to be stuck in your job. There are career opportunities.

We are approaching this from two ways. One is you can plug your name in, and you can talk about the kind of background you already have. And it will say, well, gosh, Myrtle or Bob, you might be eligible for these. Or you can say, would you like to be—you plug in the job and say, how would I get there?

And the response from the Department of the Interior employees has been fantastic. They want more opportunities. They want more jobs. And I think we are going to be adding 95 more positions to be talked about, so people will want to come.

And, obviously, STEM is a problem all across the country. And you have girls who code, et cetera. We want to be sure that we give the employees the opportunity to take learning—DOI University, the DOI Learn, is very, very useful.

But we are reaching out, and we are talking across government. In fact, the principal Deputy Assistant Secretary for Policy, Management, and Budget is leading an inter-governmental issue on career path and getting people to want to stay and make a permanent career out of Federal service, which we think is a noble calling, and understand that there are opportunities.

So, there is diversity in jobs, there is diversity in people, there is diversity in opportunity. And we want people to walk in the door—by the way, their initial training when they come in now, they are given all of the anti-harassment training, they are told from Day 1 on the job that this is the culture here, and you are going to have to subscribe to it.

So, we are trying it across a bunch of fronts, and we will keep on working.

Mr. COX. Thank you so much. And once again, thank you all, the witnesses, for coming in today.

One final question for all of you. Very simply, is there anything else you would like to say today that you haven't already had the opportunity, the chance to say?

Mr. Greenblatt?

Mr. GREENBLATT. Just reiterating that we stand ready to help survivors and witnesses of misconduct. We encourage them to come forward, either to the OIG or to the Department. And to the extent

we can add value going forward, we look forward to the opportunity to do so. Thank you.

Mr. COX. Great. Thank you.

Ms. Combs?

Ms. COMBS. Well, I am delighted to be here, and I am very pleased that this is such a bipartisan effort and approach. And, as I said earlier, we much appreciated Mr. Greenblatt and his team's report.

But there is much to be done, we look forward to doing it, and we will not rest.

Mr. COX. Thank you so much.

And Ms. Feldblum?

Ms. FELDBLUM. Well, I highly commend you for putting together this hearing. Thank you for the opportunity to see how some of the EEOC report recommendations have been carried out. And I truly hope that it can go from this room out to many other agencies, and that you can encourage your colleagues to look at other Federal agencies, as well.

Mr. COX. Thank you so much. That is a sentiment and a goal for all of us.

Once again, I want to thank all the witnesses for being here today.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing.

Under Committee Rule 3(o), members of the Committee must submit witness questions within 3 business days following the hearing, and the hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 11:21 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. TJ COX, CHAIR, SUBCOMMITTEE ON OVERSIGHT
AND INVESTIGATIONS

The Department of the Interior has a sexual harassment problem. And the problem isn't new. For decades, women—and men—in our national parks, refuges, and other public lands and offices have not been given the protections they need to do their work free from harm. As we sit here, mere weeks after the second anniversary of #MeToo, addressing this problem is as critical as ever.

In 2016, the Inspector General released a report that documented approximately 15 years of systemic sexual harassment and misconduct in Grand Canyon National Park. After that report was released, it was clear that this issue could no longer fall to the wayside. Interior needed to take major action.

The Obama administration sent an anonymous survey out to all of Interior's approximately 70,000 employees—an unprecedented effort in the Federal Government. The survey was designed to get an idea of whether this was a problem limited to Grand Canyon and the Park Service, or whether it was more widespread.

The findings were alarming—over one-third of all Interior employees had been harassed in some way in the past year. And nearly 1 out of every 10 had been sexually harassed, including both men and women.

These numbers are shocking on their own, but the survey dug even deeper. It found that three-quarters of employees who had been harassed chose NOT to file a report or complaint. They gave several reasons, but one of the top reasons was that they didn't think anything would be done about it.

This is unacceptable. Both women and men deserve a workplace in which they feel safe, both physically and psychologically—and in which they believe something will be done if they are put in harm's way.

Fortunately, this Administration has taken action—for which they deserve credit. Since the survey was released, Interior has revamped its policy, instituted new training, and required each bureau to draft a regularly updated action plan, among other efforts. These are all steps in the right direction.

But this summer, the Inspector General released a report which highlights ways in which Interior can further strengthen those efforts. I look forward to hearing more about those needed changes and how Interior will dedicate the resources necessary to make those changes.

But I also want to have a frank conversation today. While the right policies, procedures, and training are obviously important, they are only one piece of the puzzle. As we have heard from experts over and over again, addressing sexual harassment begins, first and foremost, with effective leadership.

Leadership must not only SAY they are committed; they must SHOW that they are. They need to cultivate a culture that promotes diversity and inclusivity across all levels of the workplace, but especially in top leadership and management. They need to engage those who have been affected by harassment in helping to craft the organization's solutions to the problem.

And perhaps most importantly, leadership needs to earn the trust of its workforce. Employees need to believe that their leaders will support them, stand up for them, and hold wrongdoers accountable.

Unfortunately, that isn't the case at Interior. This Administration has been marked by secrecy and distrust. We have seen, time and again, both in the press and in testimony before this Committee, accounts of employees being manipulated, intimidated, and ignored.

Most recently, the Bureau of Land Management abruptly announced it was moving its headquarters out West. Reports of a closed-door meeting with affected employees show that not one of the employees supported this move. One employee even said, "morale is as low as I've ever seen."

At a Full Committee hearing this summer, a whistleblower from Interior testified that this Administration has, "sidelined scientists and experts, flattened the morale of career staff, and by all accounts, is bent on hollowing out the agency."

A mass reassignment of senior employees in 2017 created a culture of fear for stepping out of line.

None of this sounds like leadership that is committed to earning the trust of its workforce. And if workers do not trust that their leaders even value them, how can we expect them to trust that their leaders will protect them in their most vulnerable moments?

Making public statements is easy. But making real change in addressing an issue as challenging as sexual harassment takes trust, engagement, and genuine leadership. We hope Interior's leadership will take that message to heart today.

